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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/877,227      | 06/11/2001  | Stanely John Becker  | 608-298             | 8541             |

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EXAMINER

JOHNSON, JONATHAN J

ART UNIT PAPER NUMBER

1725

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/877,227 | <b>Applicant(s)</b><br>BECKER ET AL. |  |
|                              | <b>Examiner</b><br>Jonathan Johnson  | <b>Art Unit</b><br>1725              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7-30-04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-11-01, 12-18-03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election of Group I, claims 1-13 in the reply filed on 7-30-04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Warzel (3,615,253). Warzel teaches a process for contacting (a) at least one gaseous reactant (figure 1, item 24) and (b) at least one liquid selected from the group consisting of reactants, coolants and mixtures thereof in the presence of a fluidised bed of catalyst (figure 1, item 26), which process comprises: (i) fluidising with a fluidising gas, a bed of fluidisable catalyst within a fluidisation zone in a reactor (figure 1, item 21), said reactor having a fluidisation zone for said bed of catalyst and means for supporting said bed of catalyst within said fluidisation zone (figure 1, support); (ii) introducing said at least one liquid into said reactor through at least one inlet located within said fluidisation zone (figure 1, items 18 and 26); and (iii) introducing said at least

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one gaseous reactant into said reactor through at least one inlet located within said fluidisation zone adjacent said support means (figure 1, item 24); said at least one inlet for liquid is located in the lower half of the fluidisation zone (figure 1, openings in item 20); at least one inlet for liquid is located so that liquid does not impinge on any solid surfaces within the fluidisation zone (figure 1, items 18 and 26); gaseous reactant comprises molecular oxygen containing gas (col. 6, ll. 14-35); at least one inlet for gaseous reactant is located at a distance from said catalyst support means of greater than any potential flame length (figure 1, item 24); one or more second gaseous reactants are introduced into the reactor (figure 1, items 24, as a reaction product); said one or more second reactants are introduced at least in part, separately from said first gaseous reactant (figure 1, item 21); one or more second gaseous reactants are introduced as a component of the fluidising gas (figure 1, item 21); one or more second gaseous reactants comprises ethane, ethylene or mixtures thereof (col. 6, ll. 14-35); liquid introduced into said reactor comprises acetic acid and there is produced vinyl acetate (col. 6, l. 25); liquid introduced into said reactor is selected from the group consisting of acetic acid, water and mixtures thereof and there is produced acetic acid by the oxidation of ethylene and/or there is produced ethylene and/or acetic acid by the oxidation of ethane (col. 6, ll. 10-35); in which acrylonitrile is produced by the reaction of ammonia, molecular oxygen-containing gas and a second reactant selected from the group consisting of propylene, propane and mixtures thereof (col. 6, ll. 30-35); maleic anhydride is produced by the reaction of molecular oxygen-containing gas and a second reactant selected from the group consisting of butene, butane and mixtures thereof (col. 6, ll. 30-35).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Johnson whose telephone number is 571-272-1177.

The examiner can normally be reached on M-Th 7AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jonathan Johnson  
Examiner  
Art Unit 1725